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Attorneys for Plaintiff  
ALERE MEDICAL, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ALERE MEDICAL, INC., a California  
Corporation,

Plaintiff,

v.

HEALTH HERO NETWORK, INC., a California  
Corporation,

Defendant.

No. C-07-05054 CRB

**DECLARATION OF RONALD D.  
GERATY IN SUPPORT OF ALERE  
MEDICAL, INC.'S SUPPLEMENTAL  
BRIEF OPPOSING TRANSFER  
PURSUANT TO 28 U.S.C. § 1404(A)**

1 I, Ronald D. Geraty, M.D., declare as follows under penalty of perjury:

2 1. I am Chief Executive Officer of Alere Medical, Inc. ("Alere"). I have  
3 personal knowledge of the matters stated herein and if called as a witness could and would testify  
4 competently to the facts stated in this declaration.

5 2. Alere is a California corporation that was founded in California in the  
6 mid-1990's. It has offices in California and Nevada, and is currently headquartered in Reno,  
7 Nevada. The witnesses pertinent to this action reside in both of those locations, including the  
8 Northern District of California.

9 3. In general, Alere and Health Hero both do business in the field of home  
10 health monitoring. Alere is a disease management company (a health services company) and  
11 uses its own contract-manufactured home monitoring equipment. I am informed and believe that  
12 HealthHero is a product company that typically sells its equipment and software to other health  
13 services companies.

14 4. Alere's primary market and largest book of business is in California,  
15 including customers such as United HealthCare (previously PacifiCare), Blue Shield of  
16 California and HealthNet. Comparatively speaking, Alere has very little business in Illinois.

17 5. Jack Lloyd is Alere's founder and past Chairman of the Board. Mr. Lloyd  
18 is a medical engineer and inventor, and is a key participant in the development of Alere's  
19 technology. Mr. Lloyd resides in Orinda, California.

20 6. Additional key employees of Alere with knowledge of Alere's technology  
21 who reside in the Bay Area are Lauren Yazolino (who resides in Orinda, California), Robert  
22 Kolb (who resides in Sausalito, California), and Aria DiBiase (who resides in Palo Alto,  
23 California).

24 7. To the extent that it becomes necessary in this dispute to refer to  
25 documents relating to Alere's technology and/or financial information, many of these documents  
26 are located either with Alere's employees in Northern California, or at Alere's headquarters in  
27 Reno, Nevada.

28 8. On or about August 23, 2006 I received a letter from Sandeep Jaggi of

1 Health Hero Network, Inc. (“Health Hero”) stating that Health Hero believed that Alere was  
2 “making, using and/or selling systems, services and products” that required a license to several  
3 of Health Hero’s patents. In that letter, Dr. Jaggi provided a phone number beginning with the  
4 “650” area code where he could be contacted.

5 9. The letter included preliminary claim maps attempting to tie Alere’s  
6 products to eleven Health Hero patents. Among the patents asserted by Health Hero were:  
7 U.S. Patent No. 5,601,435; U.S. Patent No. 6,368,273; U.S. Patent No. 5,832,448; U.S. Patent  
8 No. 6,246,992; U.S. Patent No. 5,879,163; U.S. Patent No. 6,151,586; and U.S. Patent No.  
9 6,161,095.

10 10. Alere denies that the patents referenced in paragraph 3 above are infringed  
11 by it.

12 11. Alere was sued on claim 21 of U.S. Patent No. 7,223,236 by Health Hero  
13 in U.S. District Court for the Northern District of Illinois on September 6, 2007. This patent was  
14 not included in the patents identified in Health Hero’s August 23, 2006 letter.

15 12. In between the time Alere received Health Hero’s August 23, 2006 letter  
16 and the time Alere was sued in Illinois, several meetings occurred between Alere and Health  
17 Hero to discuss Health Hero’s claims. All of these meetings took place in California, and at least  
18 one took place in East Palo Alto.

19 I declare under penalty of perjury under the laws of the United States and the  
20 State of California that the foregoing is true and correct, and that this declaration is executed on  
21 November 14, 2007, at Marblehead, MA.

22  
23 \_\_\_\_\_/s/

24 Ronald D. Geraty  
25  
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**SIGNATURE ATTESTATION PER GENERAL ORDER 45, SECTION X.B.**

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.

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/s/

Patrick T. Weston